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ACTION BY THE GENERAL ASSEMBLY AT ITS FORTY-FOURTH SESSION

Consideration of the draft consolidated guidelines for the initial part of the reports of States parties under international human rights instruments

Note by the Secretary-General

At its third session, the Committee against Torture decided to defer to its fourth session consideration of the draft consolidated guidelines for the initial part of the reports of States parties under international human rights instruments (A/44/539, annex), and requested the Secretary-General to indicate which of the issues contained in part I of the Committee's general guidelines (CAT/C/4/Rev.1) could be incorporated in the draft consolidated guidelines. 1/

Accordingly, the Secretary-General has the honour to submit suggestions on the subject in annex I to the present note.

1/ For the discussion on this subject, see CAT/C/SR.38, paras. 43-74.

ANNEX I

Suggestions concerning the draft consolidated guidelines for the initial part of the reports of States parties

1. The words "and rehabilitation" should be inserted in paragraph 3 (b), after the word "compensation". They appear in square brackets in the text below.

2. The issues covered by the text of paragraphs (c) and (e) of part I of the Committee's general guidelines (CAT/C/4/Rev.1) are already reflected in paragraphs 3 (d) and 3 (b) of the consolidated guidelines respectively, which are underlined in the text below.

3. Should the Committee decide to approve the text of the draft consolidated guidelines for the initial part of the reports of States parties, as submitted below, the text of part I of the Committee's guidelines, paragraphs (a), (b), (d) and (f), should remain unchanged, and paragraphs (c) and (e) should be deleted, upon approval of the consolidated guidelines by the General Assembly.

"Draft consolidated guidelines for the initial part of the reports of States parties

Land and people

1. This section should contain information about the main ethnic and demographic characteristics of the country and its population, as well as such socio-economic and cultural indicators as per capita income, gross national product, rate of inflation, external debt, rate of unemployment, literacy rate and religion. It should also include information on the population by mother tongue, life expectancy and infant mortality.

General political structure

2. This section should describe briefly the political history and framework, the type of government and the organization of the executive, legislative and judicial organs.

General legal framework within which human rights are protected

3. This section should contain information on:

(a) Which judicial, administrative or other competent authorities have jurisdiction affecting human rights;

(b) What remedies are available to an individual who claims that any of his rights have been violated; and what systems of compensation [and rehabilitation] exist for victims;

(c) Whether any of the rights referred to in the various human rights instruments are protected either in the Constitution or by a separate bill of rights and, if so, what provisions are made in the Constitution or bill of rights for derogations, and in what circumstances;

(d) Whether the provisions of the various human rights instruments can be invoked before or directly enforced by the courts, other tribunals or administrative authorities, or whether they must be transformed into internal laws or administrative regulations in order to be enforced by the authorities concerned.

Information and publicity

4. This section should indicate whether any special efforts have been made to promote awareness among the public and the relevant authorities of the rights contained in the various human rights instruments. The topics to be addressed should include the manner in which and extent to which the texts of the various human rights instruments have been disseminated; whether such texts have been translated into the local language or languages; what government agencies have responsibility for preparing reports and whether they normally receive information or other inputs from external sources; and whether the contents of the reports are the subject of public debate."

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